

E-Filed 9/13/13

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BOBBY MCGEE,
Plaintiff,

No. C 13-3741 RS (PR)
ORDER OF DISMISSAL

v.

MULE CREEK STATE PRISON, et al.,
Defendants.

Plaintiff has failed to comply with the Court's order to (1) file a complete application to proceed *in forma pauperis* ("IFP"), or (2) pay the full filing fee of \$350.00. Plaintiff's IFP application is deficient because he did not file a prison trust account statement showing transactions for the last six months. Accordingly, the action is DISMISSED without prejudice for failing to respond to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b). Because this dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion must contain his prison trust account statement showing transactions for the last six months. Plaintiff's IFP application (Docket No. 5) is DENIED without prejudice. The Clerk shall enter judgment in favor of defendants, terminate Docket No. 5, and close the file.

IT IS SO ORDERED.

DATED: September 13, 2013


RICHARD SEEBORG
United States District Judge

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